



Office of
Industrial Relations

Department of Education

Our reference: FILE 2 June 2022 PIN / Confidential correspondence

Mr John Barber
Health and Safety Representative
Office of Industrial Relations
Email: [REDACTED]

Dear Mr Barber

I refer to the Provisional Improvement Notice (PIN) dated 2 June 2022, issued by you to the Office of Industrial relations (OIR). The PIN was issued for a contravention of section 19(3)(c) of the *Work Health and Safety Act 2011* (the Act). Section 19(3) of the Act pertains to 'safe systems of work associated with psychosocial hazards namely work-related violence and aggression against inspectors attending union complaints'.

I acknowledge the length of time taken to provide you with this response. Although temporary measures were promptly taken to address the stated contravention, there has followed an extensive and evolving body of work including consultation and actions arising from OIR's continuing commitment towards ensuring the health and safety of its staff.

In the document attached to the PIN you describe changes to an existing control measure. The existing control measure being where two inspectors would attend a site, where there was exposure to psychosocial hazards, namely work-related violence and aggression and tasks of high cognitive demand. I understand that the change from existing control measure occurred through an email advice from the Director, Construction Compliance and Field Services, dated 24 February 2022, following requests for assistance from WHS entry permit holders. As per email advice, decision making concerning the allocation of two inspectors to attendance at workplaces was amended to allow management to determine whether two inspectors were required to attend.

I note that to comply with this PIN, Mr Andrew Harris, Acting Executive Director, WHS Compliance and Field Services consulted with you a number of times between 2 to 15 June 2022.

On 15 June 2022 Mr Harris emailed yourself and advised that:

I have approved that CCFS [Construction Compliance and Field Services] will revert to the arrangements as they were prior to 24 February 2022 while we work through this consultation process.

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On 23 June 2022, following further discussions with Together Queensland Union representatives and you, Mr Harris emailed the construction inspector workgroup including yourself to reiterate these arrangements:

“..while we work through the below consultation processes, when allocating inspectors to attend sites in response to a Union request for assistance and the union official or worker representative will be on site at the same time, or sites that have a history of conflict involving the PCBU, CCFS will allocate more than one inspector to attend.”

The agreed reinstatement of a second inspector at workplaces, where there is a history of behaviours of occupational violence and aggression was a temporary measure while OIR worked through the consultation process. As you will be aware this body of work has led to a broader consideration of psychosocial risks in relation to all contentious stakeholders and the development of other control measures, including:

- Critical Health Safety and Wellbeing (HSW) Risk Management Program
 - critical risk identification workshops
 - critical control workshops to develop, verify and validate the critical control standards.
- HSW management system re-design
- Australian Psychological Services gap analysis of OIR’s psychosocial control measures and OHS systems to manage psychosocial risks in line with the Code of Practice
- OIR Wellbeing plan- arising from recommendations from the above
- Compliance and Field Services Issue Resolution- Hindering or obstructing inspectors-
 - Policy updates and training to be delivered.
- Body worn cameras- review of operational policy and procedures.

Although consultation is continuing and we are grateful for your contributions to this process, I believe we are now in an informed position to confirm the actions previously taken to comply with the PIN with regard to more than one inspector attending workplaces in response to a union request for assistance. OIR operational procedural- Resolving Right of Entry Disputes, will be amended to include the following control measure with regard to numbers of inspectors attending certain workplaces:

*When allocating inspectors to attend workplaces in response to an entry permit holder request for assistance and the entry permit holder or worker representative will be on site at the same time, the Regional Management team (RMT) **will allocate more than one inspector to attend** unless there are exceptional circumstances.*

Exceptional circumstances may include entry permit holder requests for assistance, when there is evidence of a serious and imminent risk and a second inspector is not available, for example in remote locations or after hours. The RMT should consult with the attending inspector if another inspector is not allocated and ensure all parties agree with the arrangements. The priority for the RMT is to fulfill OIR’s regulatory function while ensuring the health and safety, including psychological health, of its workers so far as is reasonably practicable.

Thank you again for your ongoing commitment to work health and safety in OIR and contributions to the ongoing contentious stakeholder consultation process.

If you require further information or assistance, please contact Mr Chris Coxon, Director Compliance and Asbestos Unit, Office of Industrial Relations on [REDACTED].

Yours sincerely



Peter McKay
Deputy Director-General
Office of Industrial Relations
07/09/2023

CC: Alex Scott, Branch Secretary, Together Union. Email: [REDACTED]